



Via Electronic Filing

April 11, 2025

Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: *Delete, Delete, Delete, GN Docket No. 25-133; Review of Submarine Cable Landing License Rules and Procedures to Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks, OI Docket No. 24-523; Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission's Rules, MD Docket No. 24-524*

Dear Ms. Dortch:

The International Connectivity Coalition ("ICC")¹ submits this letter in response to the Federal Communications Commission's ("FCC" or "Commission") Delete, Delete, Delete Public Notice ("D3 Public Notice") seeking comment on FCC rules that should be eliminated or streamlined to alleviate unnecessary regulatory burdens.² The ICC is submitting this letter in conjunction with upcoming comments it will file in response to the Notice of Proposed Rulemaking ("NPRM") reviewing the Commission's submarine cable landing license rules.³ These comments address the participation of Executive Branch agencies, known as Team Telecom, in submarine cable landing license application proceedings, and the resulting delays and impediments to subsea cable deployment from this Executive Branch review process and required mitigation agreements arising from those reviews.

The title of the Commission's D3 Public Notice makes clear that the Commission is intent on streamlining regulations and eliminating unnecessary bureaucratic requirements that do not further the goals of the Commission as mandated by Congress, nor support the communication needs of United States businesses and their customers. The ICC recognizes that, prior to the D3 Public Notice, the Commission has at other historic times undertaken reviews to identify and amend or eliminate regulations that have created unnecessary and excessive burdens on

¹ The ICC is a group of companies with substantial investments in submarine fiber optic cable networks that enable people, companies, governments, and institutions to communicate and transact business across oceans and between continents in near real time. These subsea cables are part of the global telecommunications infrastructure that carries 99% of the world's international information exchange, including voice, video, data and financial transactions integral to the nation's economy.

² *In re: Delete, Delete, Delete*, Public Notice, DA 25-219 (rel. Mar. 12, 2025) ("D3 Public Notice").

³ *Review of Submarine Cable Landing License Rules and Procedures to Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks*, Notice of Proposed Rulemaking, FCC-24-119 (rel. Nov. 22, 2024) ("Submarine Cable NPRM").

communication providers and users.⁴ This type of regulatory review and reform is contemplated in the Communications Act.⁵ As far back as 1984, the FCC initiated a review when former FCC Chairman Mark Fowler acted to clear what was termed unnecessary “regulatory underbrush,” in connection with the Commission broadcasting rules.⁶ More recently, in 2015, then Commissioner Ajit Pai urged Congress that burdensome regulations should be rooted out and “regulatory underbrush” eliminated.⁷

The ICC applauds this effort by the current Commission to build on this strong tradition by identifying rules that should be eliminated as unnecessary regulatory burdens, and to seek comment on deregulatory initiatives that would facilitate growth and investment in modernizing communications networks, developing infrastructure, and offering innovative capabilities.⁸ As recognized in the D3 Public Notice, this initiative also furthers the deregulatory agenda and policies of the current Administration reflected in several Executive Orders and Presidential pronouncements.⁹

In furtherance of the Commission’s goal, the ICC submits this letter, in conjunction with the more detailed comments it will be filing in response to the Submarine Cable NPRM. These comments provide views on the overly burdensome, costly, and lengthy regulatory process associated with the Commission’s rules and practices that govern Team Telecom participation in submarine cable landing license application proceedings in connection with Executive Order

⁴ *Id.* ¶ 1.

⁵ See 47 U.S.C. § 161 (directing the Commission periodically to review rules applicable to telecommunications carriers to “determine whether any such regulation is no longer necessary in the public interest as the result of meaningful economic competition between providers of such service,” in which case it “shall repeal or modify” the regulation).

⁶ See Steven Crist, *F.C.C. Lifts Curbs on Races on Radio*, N.Y. Times, Aug. 9, 1984, at B17, <https://www.nytimes.com/1984/08/09/sports/fcc-lifts-curbs-on-races-on-radio.html>; (reporting on Chairman Fowler’s “continuing program to eliminate ‘regulatory underbrush’”, which refer to, as reflected in FCC News Release, Rep. No. 17631 (Aug. 5, 1983), the “Commission policies, doctrines, declaratory rulings, rules, informal rulings and interpretive statements that have grown up around major regulations over the years” as “underbrush” matters that “have the potential to impede the competitive functioning of the marketplace” and companies discretion “in much the same manner in which small vines can choke a healthy tree.”).

⁷ See Ajit Pai, Federal Communications Commission, Chairman, *Oversight of The Federal Communications Commission*, Testimony Before the Subcommittee on Communications and Technology of the United States House of Representatives Committee on Energy and Commerce, at 2 (Nov. 17, 2015), <https://docs.fcc.gov/public/attachments/DOC-336418A1.pdf> (stating that the FCC should recognize that “competition is a much better guarantor of consumer welfare than pervasive regulation” and that the FCC should “clear out the regulatory underbrush that has slowed down the rollout of new services,” furthering “our shared goal of breaking down the barriers to infrastructure investment”).

⁸ D3 Public Notice at 1.

⁹ See *id.* n.1.

13913.¹⁰ These rules, and other Commission licensing and authorization proceedings, were adopted by the Commission in its Executive Branch process reform proceeding.¹¹

As reflected in further detail in its Submarine Cable NPRM comments, the ICC has significant concerns with the current submarine cable application review process. The ICC believes the Commission, in furtherance of the D3 Public Notice and in connection with the Submarine Cable NPRM, should review and revise its rules governing Team Telecom's participation in submarine cable licensing proceedings. The revised rules should allow for faster approvals by creating a more streamlined process that is narrowly tailored to protecting the U.S. from national security risks while refining the current overly burdensome, unconstrained review process. New amended regulations enabling the Commission, with participation from Team Telecom, to more expeditiously review and approve cable applications would ensure that U.S. security interests are protected, while accelerating investment and growth of new cables serving and supporting U.S. industries, financial institutions, and end-users that rely on reliable global communication and data flows.

Investment in the redundancy and protection of subsea cable systems is imperative for resilient subsea cable networks and global communications and is essential to economic and national security interests. However, as discussed more fully in the forthcoming ICC Submarine Cable NPRM comments, the delays, other obstacles and regulatory burdens attendant to the Team Telecom review process potentially skew investment decisions, and, regardless, through these delays and regulatory burdens, adversely affect the deployment of new subsea cables landing in the United States. This, in turn, impacts subsea cable redundancy and resiliency, with potential adverse impacts on economic and national security and the availability of new capacity to meet exploding demand.

The Executive Branch Report and Order ("R&O") added an entire new subpart, Subpart CC, to the Practice and Procedure Part of the Commission's regulations, adding new sections 1.40001 to 1.40004 to 47 C.F.R. The Executive Branch R&O and these new rules were intended to streamline the Team Telecom review process involving applications with reportable foreign ownership, to increase transparency, and to allow Team Telecom to "expeditiously and efficiently review" applications filed by subsea cable operators with the Commission.¹² However, the practice that has developed under the new rules has in fact imposed significant and unnecessary burdens on the industry, with no countervailing benefits,¹³ causing lengthy reviews

¹⁰ Exec. Order No. 13913, 85 Fed. Reg. 19643 (Apr. 8, 2020) ("Team Telecom EO") established the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services, commonly referred to as Team Telecom, formalizing the former ad hoc Team Telecom process and its review of FCC applications involving foreign ownership. According to the Team Telecom EO, the "primary objective" of Team Telecom is to "assist the FCC in its public interest review of national security and law enforcement concerns that may be raised by foreign participation in the United States telecommunications services sector." *Id.*

¹¹ See *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, Report and Order, 35 FCC Rcd 10927, 10931 ¶ 8 (2020) ("Executive Branch R&O").

¹² *Id.*

¹³ D3 Public Notice at 1.

by multiple agencies that result in adoption of a National Security Agreement (“NSA”) (or in some limited cases a Letter of Agreement (“LOA”)), that applicants are required to agree to as a condition of the Commission license. These mitigation agreements, however, have neither been vetted by the Commission, nor any other non-Team Telecom agency, resulting in rulemaking by adjudication¹⁴ as the rule in submarine cable licensing proceedings.¹⁵

Among the costs and burdens imposed by the Executive Branch R&O and new Subpart CC rules are the following:

- After an application is filed, a 120-day Team Telecom review period is commenced, but only after Team Telecom determines, in its sole discretion, that responses to its questions are complete. This provides Team Telecom with complete discretion to extend the review period with no oversight by the Commission, including the time required to finalize a mitigation agreement between the applicant(s) and the Team Telecom agencies.¹⁶ This alone has resulted in extended and unbounded timeframes for Commission action on applications with average processing times of 340 days since the Executive Branch review rules were adopted, with one application taking as much as 900 days and multiple applications taking 500 days or more.¹⁷ Indeed, while the FCC has rules under which streamlined applications are granted within 45 days of public notice, the ICC is aware of no application for a new system that has been acted on under streamlined processing since the Executive Branch R&O rules were adopted in 2020.
- Applicants are required to submit with their applications responses to a 9-page standard questionnaire with 45 numbered questions, many with multiple subparts, and 3 pages of detailed instructions and definitions. Additionally, there is no limitation, guidance or oversight by the Commission on additional follow-up triage questions that may be requested by Team Telecom in their sole discretion.

¹⁴ See Exec. Order 13892, 84 Fed. Reg. 55239, *Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication* (Oct. 9, 2019), reinstated by Exec. Order 14148, 90 Fed. Reg. 8237, *Initial Rescissions of Harmful Executive Orders and Actions* (Jan. 20, 2025) (rescinding Exec. Order 13992, 86 Fed. Reg. 7049, *Revocation of Certain Executive Orders Concerning Federal Regulation* (Jan. 20, 2021), which rescinded EO 13892).

¹⁵ It appears, for example, that every submarine cable landing license for a new system granted following the 2020 adoption of the Executive Branch R&O has been conditioned on adoption of either an NSA or Letter of Authorization (“LOA”), with no discernable or stated criteria for the selection of one form over the other.

¹⁶ Currently, the 120-day clock does not start on the date an application is filed with the Commission or even when an application is placed on Public Notice, but only after the Chair of Team Telecom determines that the agencies have received complete answers to the standard questionnaire and any Team Telecom “tailored questions.” 47 C.F.R. § 1.40004(b). The rules do not contemplate the actual time Team Telecom may spend submitting questions and reviewing an applicant’s responses before making a final decision as to whether to approve the start of the 120-day count-down. Even after Team Telecom approves and the Commission starts the 120-day clock, Team Telecom members may continue to ask multiple rounds of follow-up questions, and may, in their discretion, extend the 120-day review period, including to cover an applicant’s agreement to an NSA.

¹⁷ Granted and pending Cable Landing License applications since 2016 are included as appendices to the forthcoming ICC Submarine Cable NPRM Comments.

- Licenses are typically granted and conditioned on the adoption of ever-evolving mitigation agreements required by the Team Telecom agencies in the form of an NSA (or less frequently, LOA) with no oversight by the Commission or any non-Team Telecom agency, such as OMB, or standardization as to terms or form. The typical NSA has grown into a 40-page compendium of highly detailed and difficult compliance and reporting requirements with pages of instructions and definitions.¹⁸
- Applications for systems owned exclusively by U.S. entities or trusted entities of foreign allies and partners that have gone through previous extensive application reviews, and existing known systems up for renewal subject to ongoing mitigation agreements, are still subjected to completely new and extensive Team Telecom reviews for each new application.¹⁹

As will be explained in more detail in the ICC's Submarine Cable NPRM comments, the existing review process poses challenges to attracting the billions of dollars needed to build a cable and for deploying the number of subsea cables needed by U.S. businesses and consumers to reach global locations. The uncertainty created by lengthy and unknown approval times for an application creates difficulties for investors seeking to allocate capital effectively. Furthermore, the absence of consistently applied assessment criteria and unknown lengths of time for final approval make it challenging for communication infrastructure firms both in the U.S. and globally to assess project viability and funding commitments during the review period. For example, the cost of capital can vary significantly over the period of months and years that Team Telecom is asking tailored questions, putting at risk the financial return for investors seeking to deploy the capital required for infrastructure construction. Together, these regulatory impediments and delays adversely affect submarine cable resiliency and associated economic and national security interests.

The ICC believes that streamlining the “regulatory underbrush” associated with processing submarine cable applications and the Team Telecom review process would foster greater investment and facilitate the timely deployment of this critical infrastructure. As an association of global subsea cable industry companies, the ICC strongly recommends that the Commission streamline its regulations associated with the Team Telecom process that, at present, hamper speedy reviews of submarine cable licensing applications. The ICC recommends the following changes to the Commission regulations, as will be explained further in its Submarine Cable NPRM comments:

- Fast Track Process. Create a “fast track” process for previously authorized applicants and trusted subsea cable providers to eliminate unnecessary and excessive

¹⁸ The most recent NSA for a new system, TPU, is available at GU Holdings Inc. FCC ICFS File No. [SCL-LIC-20230511-00013](#), National Telecommunications and Information Administration [TPU NSA](#) (filed Feb. 5, 2025).

¹⁹ This is true, even though for U.S. owned entities, the terms of the Executive Branch review implementing rules are limited to review by the Executive Branch of applications with “reportable foreign ownership”, and the Team Telecom EO is limited to assisting the FCC in its “review of national security and law enforcement concerns that may be raised by foreign participation in the United States telecommunications services sector.” *See* 47 C.F.R. § 1.40001; Team Telecom EO, 85 Fed. Reg. at 19643 § 3.

bureaucratic reviews so that the United States can benefit from greater investment in subsea cables delivered from domestic companies, and specified allied and partner sources.

- New Start Clock Date. Start the 120-day application clock on the filing date of the application and create regulations that will prevent delays and discretionary extensions by Team Telecom agencies.
- Remove Regulatory Overlap. Eliminate repetitive overlap of inquiries by Team Telecom agencies by streamlining and standardizing the application review, monitoring, and enforcement process into one single, comprehensive framework. Such standardization of processes should impose strict limitations and guidelines for the Team Telecom members to ensure that applications are timely approved. This regulatory reform by the Commission should ensure efficient coordination and integration of input that would protect both the economic and national security interests of the United States, and at the same time provide the guidelines necessary for the Team Telecom members to adhere to the policies and processes required by the Executive Order.
- Improve Pre-Application Process. Reduce the length of time it takes to review applications by providing applicants with standardized, detailed questionnaires encompassing questions typically asked by all Team Telecom members throughout the current review process, thus eliminating the need for multiple follow-up questions after the application is filed.
- Routine Mitigation Agreements. Adopt in FCC rules a set of standardized security requirements that would apply by rule to all applicants and licensees of subsea cables in lieu of ad hoc, bespoke mitigation agreements with Team Telecom. These rules would specify any enhanced mitigations and the criteria for triggering such additional mitigations. The standard and enhanced mitigations by rule should be adopted through a notice and comment rulemaking and vetted through the Paperwork Reduction Act requirements for OMB review and approval of information collections.²⁰

The ICC fully supports the Commission's effort to "Delete, Delete, Delete" unnecessary and bureaucratic regulatory burdens imposed on subsea cable applicants and licensees. While the ICC appreciates that the Commission's Executive Branch R&O was established to complement the Team Telecom process formalized by Executive Order 13913, we firmly believe that the FCC has the discretion to manage the timeframes and other aspects of Team Telecom participation in FCC application proceedings. For the reasons set forth above, and in its forthcoming comments on the Submarine Cable NPRM, the ICC urges the Commission to take this opportunity to examine Team Telecom participation in submarine cable licensing and to

²⁰ 44 U.S.C. § 3501, *et seq.*

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adopt reforms that speed application approvals, standardize required mitigations, and address the significant costs and burdens on the deployment of submarine cable systems in the U.S.

Respectfully Submitted,

**INTERNATIONAL CONNECTIVITY
COALITION**

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